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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,515	08/26/2003	Gordon M. McIndoe	1-24712	5799

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MACMILLAN SOBANSKI & TODD, LLC
ONE MARITIME PLAZA FOURTH FLOOR
720 WATER STREET
TOLEDO, OH 43604-1619

EXAMINER

PANG, ROGER L

ART UNIT PAPER NUMBER

3681

DATE MAILED: 08/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,515

Applicant(s)

MCINDOE ET AL.

Examiner

Roger L Pang

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-26-03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The following action is in response to application 10/649,515 filed on August 26, 2003.

Claim Objections

Claims 11 and 12 are objected to because of the following informalities: on line 2 of both claims, "wherein said" is repeated twice in a row. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 14, this claim is dependent upon itself, therefor providing no antecedent basis for any of its reference limitations. It is suggested that applicant replace "14" on line 1 with --13-- (this is how the claim will be treated below). It also appears as if claim 16 and claim 14 claim the same subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Kidokoro. With regard to claim 9, Kidokoro teaches a CVT comprising: an input shaft 20; an output shaft 25; a

Art Unit: 3681

continuously variable drive section connected between said input shaft and said output shaft, said continuously variable drive section including a roller that is mounted on a trunnion for movement therewith, wherein movement of said roller causes a change in ratio provided by said continuously variable drive section between said input shaft and said output shaft (Fig. 2); a control system 61 that is responsive to an input signal (Fig. 3) for effecting movement of said trunnion and said roller; and a feedback mechanism 7 that is responsive to movement of said trunnion and said roller for causing said control system to alter the movement of said trunnion (Col. 3; 706). With regard to claim 10, Kidokoro teaches the transmission, wherein said feedback mechanism 7 is responsive to axial movement of said trunnion and said roller for causing said control system to alter the movement of said trunnion. With regard to claim 11, Kidokoro teaches the transmission wherein said feedback mechanism 7 is responsive to rotational movement of said trunnion and said roller for causing said control system to alter the movement of said trunnion. With regard to claim 12, Kidokoro teaches the transmission wherein said feedback mechanism 7 is responsive to axial movement and rotational movement of said trunnion and said roller for causing said control system to alter the movement of said trunnion. With regard to claim 13, Kidokoro teaches the transmission, wherein said control system includes a trunnion control valve 5 that selectively provides pressurized fluid to a trunnion cylinder containing a control piston 5a, said control piston being connected to said trunnion for movement therewith, said feedback mechanism 7 being responsive to movement of said trunnion for varying the operation of said trunnion control valve. With regard to claims 14 and 16, Kidokoro teaches the transmission, wherein said feedback mechanism includes a cam 7 that is connected to said trunnion for movement therewith and a link 8 that extends between said

Art Unit: 3681

cam and said trunnion control valve such that a movement of said cam with said trunnion causes movement of said link for varying the operation of said trunnion control valve (Fig. 3). With regard to claim 15, Kidokoro teaches the transmission, wherein said control system includes a trunnion actuator 4 that is connected to said trunnion control valve by a link such that movement of said link by said trunnion actuator controls the operation of said trunnion control valve (Fig. 3). With regard to claim 17, Kidokoro teaches the transmission wherein said cam includes a ramped surface that is engaged by said link (Fig. 3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miyaura '032 and '755, Muramoto, Vohmann, Sugihara '207 and '412, and Oshitari have been cited to show similar feedback controls.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but

Art Unit: 3681

charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 305-3597) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Art Unit: 3681

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L Pang whose telephone number is 703-305-0445. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L Pang
Patent Examiner
Art Unit 3681

August 3, 2004